

# **McCORMACK DECLARATION**

## **EXHIBIT P**

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*WIKTOR WASILEWSKI, P.E.*

265 CABRINI BLVD #6H  
NEW YORK, NY 10040  
212.795.6438 FAX 212.923.2271

Re: 97 Quentin Road

May 19, 2005

Brooklyn, New York

Cellar and Party Wall Condition Inspection Report

The intent of this report is to present the observations of the undersigned based upon the visual review of the accessible elements of the south, east and north walls and cellar of the building at 97 Quentin Road, Brooklyn, NY. It was requested by the building's owner, Mr. Vasilis A Aftoumsis, due to concerns over the structural damage sustained as a result of improper foundation excavation and underpinning practices during construction of a new structure on the adjacent lot. According to Mr. Aftoumsis, the excavation on the adjacent lot at 103 Quentin Road was begun on or around March, 2005.

Scope of Inspection:

The following building façades and related areas were reviewed as part of this report for the condition inspection purposes. See photographs for typical building areas under review as part of this report.

1. East wall was viewed from inside of the premises, at the basement, and from the ground level.
2. North wall was viewed from inside at the basement level, and from the ground level.
3. South façade was viewed from inside of the premises at the basement level and from the ground level outside.

This examination was conducted by Wiktor Wasilewski, P.E. on May 18, 2005. The sole purpose of this report is to provide an examination of the building's East, North, and South walls and cellar concrete slab. The undersigned engineer has been retained solely to perform the visual examination and submit a written report of the examination, and has been retained for no other purpose. This report renders an opinion as to the condition of the East, North, and South walls and footings and cellar slab only as of the date on which the examination was conducted. This report has been prepared for no other purposes. The owner is advised to have follow-up inspections. There should be no assumptions made by anyone that any of the conditions observed during the inspection will not change at any time thereafter.

DESCRIPTION OF BUILDING:

OBSERVATIONS AND RECOMMENDATIONS:

- IT IS RECOMMENDED THAT:

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WIKTOR WASILEWSKI, P.E.

THIS REPORT IS CONCERNED SOLELY WITH THE EAST, NORTH, AND SOUTH WALLS OF THE STRUCTURE. THE CONDITION OF THE INTERIOR OF THE BUILDING; ASIDE FROM ITS EAST SIDE, WAS NOT WITHIN THE SCOPE OF THIS INSPECTION. PRESENT HERewith IN THESE OBSERVATIONS IS DOCUMENTATION OF THE GENERAL AND SPECIFIC CONDITION OF THE EAST, NORTH, AND SOUTH WALLS. IT IS NOTED THAT THE REFERENCE HAS BEEN MADE TO THE MOST NOTEWORTHY CONDITIONS DESCRIBED, WITH PHOTOGRAPHS INCLUDED AND ANNOTATED ACCORDINGLY.

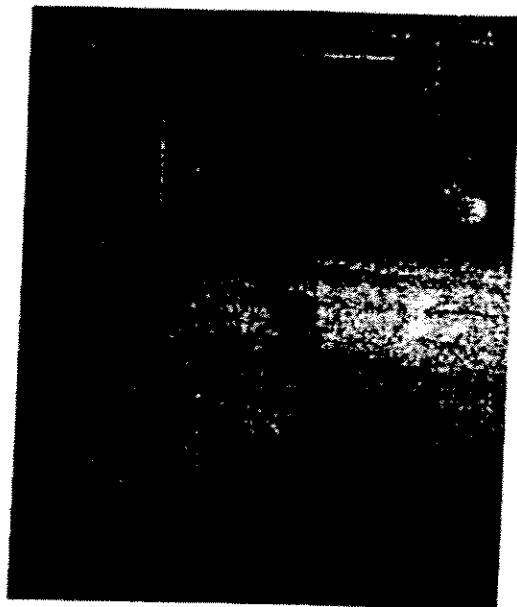
THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ADEQUACY OF THE DESIGN OR CONSTRUCTION OF THE ORIGINAL BUILDING; NOR FOR THE ADEQUACY OF INSTALLATIONS, ALTERATIONS, MAINTENANCE OR REPAIR WORK EITHER PERFORMED IN THE PAST, PRESENT OR FUTURE BY CONTRACTORS OR MAINTENANCE PERSONNEL; NOR FOR ANY CONSTRUCTION DETAILS WHICH ARE NOT VISIBLE. NOTHING IN THIS REPORT SHOULD BE CONSTRUED AS INDICATING A WARRANTY OF ANY NATURE BY THE ENGINEER RELATIVE TO ANY OF THESE ITEMS, OR RELATIVE TO ANY PART OF THE BUILDING. THE ENGINEER'S LIABILITY FOR ANY CLAIMED ERROR, OMISSION, WRONGFUL CONDUCT, OR PROFESSIONAL NEGLIGENCE WILL BE LIMITED TO AN AMOUNT EQUAL TO THE ENGINEER'S FEE. UNDER NO CIRCUMSTANCES MAY THIS LIABILITY BE EXTENDED BEYOND THE ENGINEER'S FEE. THE ENGINEER ALSO ASSUMES NO RESPONSIBILITY FOR THE CONDITION OR SAFETY OF GLASS ITEMS.

ALL DIMENSIONS OF BUILDING HEIGHT, LOCATION AND SIZE ARE APPROXIMATE WITHIN THE ACCURACY REQUIREMENTS OF THIS REPORT AND ARE NOT TO BE USED FOR OTHER PURPOSES. AS DESCRIBED IN THE REPORT, THIS INSPECTION WAS A VISUAL INSPECTION. AS NOTED ELSEWHERE IN THIS REPORT, THIS REPORT IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN TO SERVE AS A RECORD OF THE CONDITION OF THE VISIBLE BUILDING ELEMENTS AS OF THE DATE OF THE EXAMINATION. BUILDINGS DETERIORATE WITH THE PASSAGE OF TIME AND WE ARE EXPRESSLY ADVISING READERS OF THIS REPORT OF THESE FACTORS. IT IS NOTED THAT BUILDINGS OF THIS NATURE AND THEIR APPURTENANCES WILL CHANGE AND UNDERGO DETERIORATION WITH THE PASSAGE OF TIME. THE ENGINEER OFFERS NO GUARANTEES OR WARRANTIES FOR THE FUTURE CONDITION OF THE BUILDING.

WIKTOR WASILEWSKI, P.E.



WALTER H. APPLAGATE, P.E.



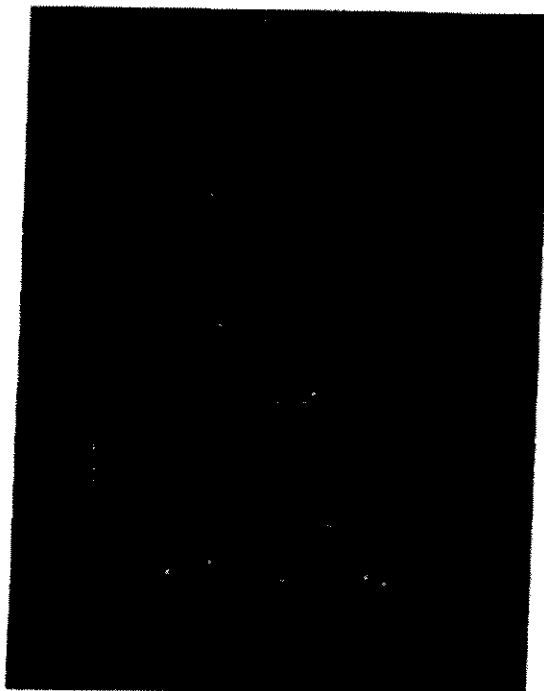
PHOTOGRAPH 1  
DIAGONAL CRACK IN THE SOUTH WALL



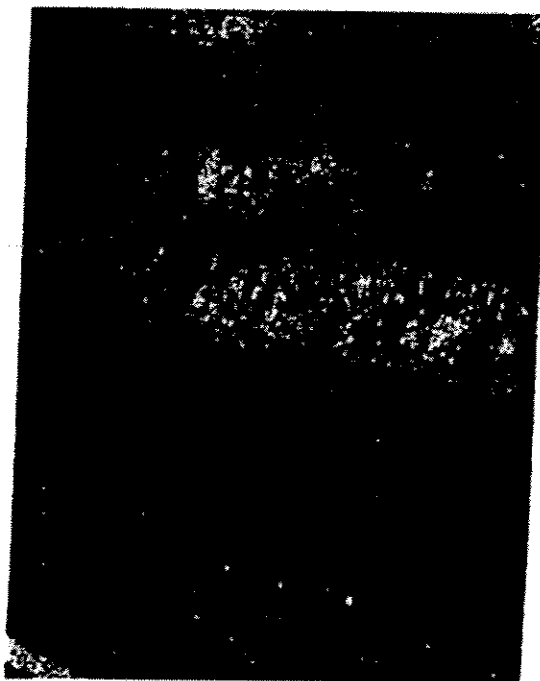
PHOTOGRAPH 2  
CRACKED BASEMENT SLAB ADJACENT TO THE  
EAST WALL



WALTER W. J. JENNINGS, P.E.



PHOTOGRAPH 3  
CRACKED EAST FOOTING WALL



PHOTOGRAPH 4  
IMPROPER DRY PACKING OF THE  
UNDERPINNING. NOTE SANDY AREAS W/O DRY  
PACKING



WALTER W. APPLATE, P.C.



PHOTOGRAPH 5  
UNDERMINED NORTH WALL.  
NOTE COMPLETE LACK OF  
UNDERPINNING OR SUPPORT  
AT PLACES.



PHOTOGRAPH 6  
DETAIL OF THE  
"UNDERPINNING" AT THE  
NORTH WALL.